The

Docket No.: 071971-0643

<u>PATENT</u>

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 53080

MAY 16 2008

Shunsaku MURAOKA, et al. : Confirmation Number: 5602

Application No.: 10/584,617 : Group Art Unit: 2824

Filed: June 26, 2006 : Examiner: NGUYEN, NAM THANH

For: MEMORY DEVICE, MEMORY CIRCUIT AND SEMICONDUCTOR INTEGRATED

CIRCUIT HAVING VARIABLE RESISTANCE

## RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Response Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Noting the Office Action of April 16, 2008 wherein restriction has been required, Applicant hereby elects Group I (claims 1-11 and 32-39) for prosecution in the above-identified application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMQTTWILL & EMERY LLP

Michael E. Pogarty Registration No. 36,139

Please recognize our Customer No. 53080 as our correspondence address.

600 13<sup>th</sup> Street, N.W. Washington, DC 20005-3096 Phone: 202.756.8000 MEF:MWE

Facsimile: 202.756.8087 **Date: May 16, 2008**